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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED
2002 NOV 20 P 3:31
U.S. DIST. COURT CLERK
EASTERN DIST. MICHIGAN
DETROIT

02-74622

JULIE CHAVEZ (BAGHDADY),

Plaintiff,

Case No.
Hon. VICTORIA A. ROBERTS

-vs-

Jackson County Case No.: 02-6383-NZ
Hon. Charles A. Nelson

BAKER COLLEGE, a Michigan
corporation, and LAURA KRUTSCH,

Defendants.

MAGISTRATE JUDGE MORGAN

GEORGE J. BRANNICK (P11132) ✓
Attorney for Plaintiff
740 W. Michigan Avenue
Jackson, MI 49201
(517) 787-1303

✓GEORGE M. DeGROOD, III (P33724)
Attorney for Defendants
400 Galleria Officentre, Ste. 550
Southfield, MI 48034
(248) 353-4450

**NOTICE OF REMOVAL OF CAUSE TO THE UNITED STATES
DISTRICT COURT, EASTERN DISTRICT OF MICHIGAN,
SOUTHERN DIVISION**

Defendants, BAKER COLLEGE and LAURA KRUTSCH, by and through their counsel, THOMAS, DeGROOD, WITENOFF & HOFFMAN, P.C., respectfully notify this Court of the removal of the above styled action from the Circuit Court of Michigan, Jackson County, to the United States District Court for the Eastern District of Michigan, Southern Division at Detroit, Michigan, pursuant to 28 U.S.C. 1331 and 1441(a) and (b), and state as follows:

1. That on or about November 8, 2002, Plaintiff commenced this action in the Circuit Court for the County of Jackson, State of Michigan, by filing a Summons and Complaint in which

THOMAS, DEGROOD,
WITENOFF, & HOFFMAN
ATTORNEYS AND COUNSELORS
AT LAW
PROFESSIONAL CORPORATION
400 GALLERIA OFFICENTRE
SUITE 550
SOUTHFIELD, MICHIGAN 48034
(248) 353-4450
FAX (248) 353-4451

Baker College and Laura Krutsch were named as Defendants.

2. That service of process has been made on the Defendants.

3. That the action is a civil action alleging that Plaintiff's civil rights were violated under Title IX, 20 U.S.C. 1681 et seq, as well as other state and federal laws, due to alleged discriminatory behavior by the Defendants.

4. That written notice of the filing of this Notice of Removal has been given to all parties and a copy of this Notice of Removal has been filed this date with the Clerk of the Circuit Court of Michigan, Jackson County.

5. That this Notice of Removal is hereby filed with this Court, within thirty (30) days after receipt by Defendants Baker College and Laura Krutsch, along with a copy of the initial pleadings setting forth a claim for relief upon which this action is based.

6. Attached is a copy of all process and pleadings served upon Defendants Baker College and Laura Krutsch in this cause.

WHEREFORE, the Defendants herein, Baker College and Laura Krutsch, respectfully notify this Court of the removal of this action from the Circuit Court of Michigan, Jackson County.

Respectfully submitted,

THOMAS, DeGROOD, WITENOFF
& HOFFMAN, P.C.

BY: 

JOHN J. HOFFMAN (P31807)
GEORGE M. DeGROOD, III (P33724)
Attorneys for Defendants
400 Galleria Officentre, Suite 550
Southfield, MI 48034
(248) 353-4450

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DATED: November 18, 2002

Friday 15 of Nov 2002, 11:16 AM

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NOV-12 02 11:16 FROM: NOV 11 2002 3:13 PM FR PLUNKETT & LUUNETAS 801 4040 10 1010 (654212)

TO: 810 732 0973

PAGE: 03

Approved: SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 6TH JUDICIAL CIRCUIT COUNTY PROBATE		SUMMONS AND COMPLAINT	CASE NO. 02- 6383 NZ
Court address 312 S. Jackson Street, Jackson, Michigan 49201		CHARLES A. NELSON F18228	Court telephone no. 517-788-4268

Plaintiff name(s), address(es), and telephone no(s).

JULIE CHAVEZ, (BAGHDADY)
3470 Carpenter Rd., #116
Ypsilanti, MI 48197-9677

Plaintiff attorney, bar no., address, and telephone no.

GEORGE J. BRANNICK (F11132)
Attorney for Plaintiff
740 W. Michigan Ave.
Jackson, Michigan 49201
(517) 787-1303

Defendant name(s), address(es), and telephone no(s).

BAKER COLLEGE, a Michigan corporation
and LAURA KRUTSCH
2800 Springport Rd.
Jackson, MI 49202
LAURA KRUTSCH
c/o Baker College
2800 Springport Rd.
Jackson, MI 49202
(517) 789-6123

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued NOV - 8 2002	This summons expires FEB - 7 2003	Court clerk Under R. Connor Deputy County Clerk
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This summons is invalid unless served on or before its expiration date.

COMPLAINT Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

Family Division Cases

- ☒ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- ☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	List no.
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General Civil Cases

- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	List no.
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VENUE

Plaintiff(s) residence (include city, township, or village)

3470 Carpenter Rd., #116, Ypsilanti, MI

Defendant(s) residence (include city, township, or village)

Place where action arose or business conducted

Jackson County, Michigan

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

October 2002

Date

George J. Brannick
Signature of Plaintiff
GEORGE J. BRANNICK

If you require special accommodations to use the court because of disability contact the court immediately to make arrangements.

P.05 0248 353 1710

SWEET CRAWFORD

NOV-12-2002 13:52

Friday 15 of Nov 2002, Finalation

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NOV-12 02 11:16 FROM: NOV 11 2002 3:14 PM FR PLUNKETT & LUONETAS 501 4646 10 1610/0042/2

TO: 610 732 0973

PAGE: 04

CHARLES A. NELSON
P18208

PROOF OF SERVICE

SUMMONS AND COMPLAINT
Case No. 02-638312

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE

☐ OFFICER CERTIFICATE

OR

☐ AFFIDAVIT OF PROCESS SERVER

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that (notary not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that (notary required)

☒ I served personally a copy of the summons and complaint.☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint.

together with _____

List all documents served with the Summons and Complaint

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time
Baker College, a Michigan corporation, 2800 Springport Rd., Jackson, MI 49202		
and Laura Krutech	2 Baker College, 2800 Springport Rd., Jackson, MI 49202	

☐ After diligent search and inquiry, I have been unable to find and serve the following defendant(s):

I have made the following efforts in attempting to serve the defendant(s): _____

☐ I have personally attempted to serve the summons and complaint, together with _____

Attachment

On _____

Name

at _____ and have been unable to complete service because

Address

the address was incorrect at the time of filing.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.

Date

My commission expires: _____

Date

Signature: _____

Deputy clerk/Clerk/Notary public

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____

Attachment

on _____

Day, date, time

NOV-12 02 11:16 FROM: NOV 11 2002 3:14 PM FR PLUNKETT & LUONETAS 501 4646 10 1610/0042/2

SLETT CRAWFORD

NOV-12-2002 13:50

Friday 15 of Nov 2002, Finalization

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NOV-12 02 11:16 FROM:

TO: 818 732 0973

PAGE: 05

NOV 11 2002 3:14 PM FR PLUMBERT & LOUNGINSQ DUL PHONE 10 1016/602173

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF JACKSON

JULIE CHAVEZ, (BAGHDADY)

Plaintiff,

FILE NO. 02- 6383 NZ

v.

DON. CHARLES A. NELSON
#18228BAKER COLLEGE, a Michigan
corporation, and
LAURA KROTSCH,

Defendants.

GEORGE J. BRANNICK (P11132)
Attorney for Plaintiff
740 W. Michigan Ave.
Jackson, MI 49201
517-787-1303
=====JACKSON COUNTY CLERK
NOV 15 2002 11:16 AM
211328

COMPLAINT AND JURY DEMAND

The Plaintiff, Julie Chavez, (Baghdady) states the following:

COUNT I

1. This Circuit Court has jurisdiction over this civil case without regard to the amount sought in damages because this case is brought under the ELCRA, MCL 37.2101 et seq., as well as under Title IX of the Education Amendments of 1972 (Title IX), 20 USC 1681 et seq., and other state and federal law.

2. At all times pertinent hereto Julie Chavez was and is a

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 NOV 11 2002 3:14 PM FR PLUNKETT & GUINNEY 501 4646 10 1010/8542/10

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resident of Jackson County.

3. That Baker College is located in Jackson County.
4. That Laura Krutsch also resides in Jackson County.
5. That this cause of action also arose in Jackson County.
6. That Laura Krutsch is an instructor at Baker College and Julie Chavez was at the time a student at Baker College.

7. That in March of 2001 your Plaintiff, Julie Chavez, enrolled in Baker College and during the first two grading periods made the Dean's List.

8. That, on the 28th of September, 2001, while Plaintiff was a student at Baker College, she married an Arab by the name of Osama Baghdady.

9. That, after knowing that she had married an Arab by the name of Osama Baghdady, Defendant Laura Krutsch made several derogatory remarks about Ms. Chavez, (Baghdady) in front of the entire class of 15 to 20 students.

10. That, when your Plaintiff complained to the proper authority relative to the actions of Defendant Laura Krutsch, her grades began to fall and in the March 2002 exams she failed three classes which prevented her from obtaining the certification which she sought at the school.

11. That notwithstanding that her marital status had no connection with the certification she was seeking, she continued to be discriminated against again, and again and again, not only by Laura Krutsch, but by the school in general.

12. That, as a result of the actions of the school and Laura

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11/12/2002 11:50 FAX 010 102 4134

SECURITY FINANCIAL INSURANCE

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TO: 818 722 2973

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Krutsch, the hostile environment resulted which not only led to her failing her classes, but led to her lack of certification in her desired occupation, to wit, massage therapy.

13. That notwithstanding that Plaintiff attempted in every way to resolve the issue, the school refused to recognize any of her complaints whatsoever and told her that she was not entitled to any relief whatsoever.

COUNT II: VIOLATION OF THE ELLIOTT-LARSEN CIVIL RIGHTS ACT

14. Plaintiff incorporates by reference paragraphs 1-13.

15. Baker College and Ms. Krutsch had duties under the Elliott-Larsen Civil Rights Act, including not to discriminate or harass Ms. Chavez (Baghdady) on the basis of her marital status and not to maintain a hostile environment as a result thereof.

16. At all times pertinent hereto, Laura Krutsch and Baker College were agents for the purpose of these duties.

17. Baker College and Laura Krutsch violated these duties in ways described above and discriminated against Ms. Chavez (Baghdady) on the basis of her marriage causing her to be damaged.

WHEREFORE Plaintiff requests judgment in her favor against Defendants Baker College and Laura Krutsch for all amounts to which she is found entitled and for all other legal and equitable relief provided for by law, together with costs and attorney fees under the Elliott-Larsen Civil Rights Act and other rules and law.

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SWEET GRAMFORD

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Friday 15 of Nov 2002, Finalization

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NOV-12 22 11:17 FROM:

NOV 11 2002 11:15 PM FROM PLUNKETT & LOUNDELL 301 4540 10 11/12/02-213


TO: 610 732 8973

PAGE:08

I FURTHER DEMAND TRIAL BY JURY.

I DECLARE THAT THE STATEMENTS ABOVE ARE TRUE TO THE BEST OF MY
INFORMATION, KNOWLEDGE AND BELIEF.


JULIE CHAVEZ, (BAGHDADY) Plaintiff


GEORGE F. BRANNICK
Attorney for Plaintiff
Dated: October 8, 2002

248 333 1710 P.10

SWETT CRAWFORD

NOV-12-2002 13:50